

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

This matter is before the court on Aaron Bryant Keys’ (“Keys”) filing captioned as a “Motion for Reconsideration and Alter or Amend the Judgment and Opinion and Order of January 6, 2006.” (Mot. 1.) On January 6, 2005, this court vacated Keys’ sentence of conviction and immediately reinstated and reimposed Keys’ conviction to permit Keys to appeal the conviction and sentence in his criminal case. Keys filed a notice of appeal on January 18, 2006, and the Fourth Circuit has appointed counsel for Keys on appeal.

In the instant motion, Keys claims that “it is [his] intention to challenge [his] illegal sentence under the rules of civil procedure, rule 59(e), motion to alter or amend judgment and rule 60; relief from judgment or order: (a) Clerical mistakes; (b) mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud etc (#6).” (Mot. 1.) Without giving any basis for relief, Keys “requests reconsideration of Order of January 6, 2006.” (Id. 2.)

Keys has provided no support for his request for reconsideration under Rule 59(e). A Rule 59(e) motion may be made on three grounds: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). “Rule 59(e) motions may not be used, however, to raise

arguments which could have been raised prior to the issuance of the judgment” Pacific Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal quotation marks omitted). Further, Keys has offered no reasoning to support his motion under Rule 60. Therefore, because Keys has provided no support for his motion, Keys’ motion under Rules 60 and 59(e) is denied.

It is therefore

ORDERED that Keys’ motion, document number 39, is denied.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
January 24, 2006

NOTICE OF RIGHT TO APPEAL

The movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.